

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/785,884 02/15/2001		Amit Phadnis	CSCO-002/94701	4202	
26392	7590 08/29/2005		EXAM	EXAMINER	
LAW FIRM OF NAREN THAPPETA C/O LANDON IP, INC.			LESNIEWSKI, VICTOR D		
1700 DIAGONAL ROAD, SUITE 450			ART UNIT	PAPER NUMBER	
ALEXANDRIA, VA 22314			2152		
			DATE MAILED: 08/29/200	DATE MAILED: 08/29/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action						
Before the Filing of an Appeal Brief						

Application No.	Applicant(s)
09/785,884	PHADNIS ET AL.
Examiner	Art Unit
Victor Lesniewski	2152

Doroto the rining of an opposit Direct	Examiner	Art Unit	
	Victor Lesniewski	2152	
The MAILING DATE of this communication appe	ears on the cover sheet with the c	orrespondence add	ress
THE REPLY FILED 16 August 2005 FAILS TO PLACE THIS A	PPLICATION IN CONDITION FOR	ALLOWANCE.	
1.  The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Notal Request for Continued Examination (RCE) in compliant time periods:	wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in o ce with 37 CFR 1.114. The reply mu	idavit, or other evider compliance with 37 C	rce, which FR 41.31; or (3)
a) The period for reply expiresmonths from the mailin b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire	Advisory Action, or (2) the date set forth later than SIX MONTHS from the mailing	g date of the final rejecti	on.
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	06.07(f).		
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	dension and the corresponding amount shortened statutory period for reply origi r than three months after the mailing da	of the fee. The approprinally set in the final Offi	iate extension fee ce action; or (2) as
2. The Notice of Appeal was filed on A brief in compling the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed.	ension thereof (37 CFR 41.37(e)), to	avoid dismissal of th	
AMENDMENTS			
<ol> <li>The proposed amendment(s) filed after a final rejection,</li> <li>They raise new issues that would require further co</li> <li>They raise the issue of new matter (see NOTE below)</li> </ol>	onsideration and/or search (see NO ow);	TE below);	
<ul><li>(c) They are not deemed to place the application in be appeal; and/or</li></ul>	tter form for appeal by materially re	ducing or simplifying	the issues for
(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).		ected claims.	
4. The amendments are not in compliance with 37 CFR 1.1	21. See attached Notice of Non-Co	mpliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(s)	· · · · · · · · · · · · · · · · · · ·		
<ol> <li>Newly proposed or amended claim(s) would be a non-allowable claim(s).</li> </ol>	·	-	-
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to:		l be entered and an e	explanation of
Claim(s) objected to: Claim(s) rejected:			
Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE			
<ol> <li>The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).</li> </ol>			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appea	al and/or appellant fa	Is to provide a
10. $\square$ The affidavit or other evidence is entered. An explanation	•		•
<ul> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>11. ☑ The request for reconsideration has been considered by See Continuation Sheet.</li> </ul>	ut does NOT place the application in	n condition for allowa	nce because:
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08 or PTO-1449) Paper N	lo(s).	,
13.  Other:			
		~ <u>~</u>	
1/4			
		Dung C. Dinh Primary Examin	er

U.S. Patent and Trademark Office PTOL-303 (Rev. 4-05)

er No. 20050825

Continuation of 11. does NOT place the application in condition for allowance because: The applicant's arguments are not persuasive.

The applicant has argued that attempts to combine Pereira and Ketcham "would be inconsistent with the intended pupose/function of Pereira, and thus there would not be the necessary motivation to combine the references." In support, the applicant states that Pereira blocks keep-alive messages from several sessions. In response, it is again noted that the combination of Ketcham and Pereira would produce a system that aggregates packets as discussed in Ketcham. In this case it is reasonable to utilize keep-alives in Ketcham's system as these keep-alives are taught by Pereira. The applicant is directed to section 6 of the final action mailed 6/27/2005.

Also in support of the above argument, the applicant has stated that combining Ketcham and Pereira would be improper/impermissible because aggregating packets would be inconsistent with Pereira's objective of optimizing and reducing polling traffic. However, this statement is clearly incorrect. The purpose of aggregating packets is in fact to optimize and reduce traffic.

Thus it can be seen that combining Ketcham and Pereira would not be inconsistent with the functionality of Pereira. The applicant is directed to sections 6 and 7 of the final action mailed 6/27/2005.

In addition the applicant has again stated that the combination of Ketcham and Pereira does not disclose the limitations of claim 2. The statements in support however seem to focus only on Pereira's system and not the combination of Ketcham and Pereira which would result in a plurality of packets to be aggregated. The applicant is directed to section 8 of the final action mailed 6/27/2005.

Claims 1-66 remain rejected as presented in the final action mailed 6/27/2005.